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ABSTRACT

This report presents the case for competition in education, tenders the voucher plan as a means of fostering competition and providing choice in education, and discusses some problems associated with education voucher proposals. Two primary problems -- segregation and church-state conflict -- are given particular attention. The author also examines the OEO study of education vouchers and concludes the report with brief statements concerning Executive and Congressional positions on the voucher issue. (JF)

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VOUCHER PAYMENTS AND THE PUBLIC SCHOOLS

Introduction

Education has been a concern of Americans since the country's infancy. From the religious schools of our colonial days to the first federal land grants for education in 1785 and 1787 to the development of the first State Board of Education in 1837 (Massachusetts) and the gradual evolution of public school systems, the need, the goals, and the control of education have been continuing public issues. This is no less true today.

Criticism of our schools has become increasingly vehement and widespread. It comes from all sectors of the community and it involves not only questions of effectiveness but also of basic goals. For example, most people would probably agree that a primary function of the school is to teach children to read. But the effectiveness of our schools in meeting this goal has been limited. Former U.S. Commissioner of Education James Allen, Jr., in his remarks to the National Association of State Boards of Education ranked reading as the Nation's most serious educational problem, pointing out that one out of every four students in the country has reading deficiencies.1/ The inability of the schools to meet the educational needs of the poor and the disparities in educational services provided to low-income children were sharply underscored in the Hearings on the Elementary and Secondary Education Act of 1965.

Criticism of the quality of some public education has been severe. Charles E. Silberman, author and educator, accuses schools of killing the dreams and mutilating the minds of our children by their preoccupation with order and control, by their tendency "to confuse day-to-day routine with purpose and to transform the means into the end itself." He maintains that students need to learn much more than just the basic skills, that they should be educated not just to earn a living too, but live "a creative, humane, and sensitive life."2/ In this, he concludes, the schools have failed utterly. George Leonard, vice-president of Esalen Institute in California and a senior editor of Look magazine, sees the typical American school as a destroyer of the child's inborn love of learning. He describes the educational system as "a vast, suffocating web of people, practices and presumptions...."3/

Many of the modern-day education critics feel that it is not the children who fail but the schools who fail the children and they couple their criticism with demands for educational reform. But public schools in many areas have been slow to reform, partly because they have little incentive to change. Children are required by law to attend school and most parents do not have the financial option of sending their children to a private school. The public schools have also been slow to change and

innovate because according to the critics they are controlled by boards of education which, in many cases, are neither responsible nor responsive to the community. Since public schools exercise a monopoly in education there is comparatively little competition and thus limited pressure for widespread change.

I. The Case for Competition in Education

Dr. Kenneth B. Clark, Harvard psychologist and educator, has observed that "As long as local school systems can be assured of State aid and increasing federal aid without the accountability which...comes with aggressive competition, it would be...wishful thinking to expect any significant increase in the efficiency of our public schools."4/

Recently a number of educators have attributed the failure of public schools to reform and to provide the type and quality of education which parents seek for their children to the fact that there do not exist any practical alternatives to public education.

Many parents, students, educators and other citizens believe that the public school monopoly in education has produced neither diversity nor quality. Those who argue for competition in education assert that the parents as the "consumers" should have a choice of schools for their children. No school system no matter how well equipped or how structured can pursue the divergent educational philosophies and educational goals which the various groups of parents seek. These critics feel that diversity in education is as desirable and beneficial as it is in other spheres of life.

Proponents argue that competition in education would be healthy because market forces would work to improve the quality and responsiveness of all schools. A Task Force on Economic Growth and Opportunity of the

U.S. Chamber of Commerce applied the principles of competition in industry to the field of education. According to the Task Force complacency and timidity develop where there is no assurance that if a job is not done well some one else will do it. Public schools are complacent because there is no institutional alternative available. The businessman in a competitive industry knows that he cannot stand still, for his failure to innovate and improve efficiency can be fatal. A lack of competition, as in education, "eliminates this ceaseless pressure for progress." The Task Force strongly endorsed an open education market-place.[5/]

The conclusion that competition in education will lead to improved quality is reached by other proponents through different reasoning. Critics such as Theodore R. Sizer, Dean of the Graduate School of Education at Harvard, argue that parents should have greater control over their children's education. They maintain that "a change in control <u>can</u> lead to a change in the quality of children's learning." Sizer asserts that many of the significant things children learn are untestable. These things may be determined by the political structure of the school. It is his contention that: "The attitudes of teachers, the pride (or lack of it) that parents have in a school, the extent of accountability of the staff - all may have subtle but important effects on learning."[6/]

II. The Voucher Plan as a Means of Competition and Parental Choice in Education

A number of proposals are being advanced as methods of encouraging competition in education and of giving parents greater control over the education of their children. One such approach is the decentralization and community control of a school or school district. The Ocean Hill-Brownsville experiment in New York City and the Adams-Morgan school in Washington, D.C. are examples of this approach. Dr. Kenneth Clark has proposed an expanded system of college and university-related schools open to the public and labor union-sponsored schools as possible alternatives to public schools.

Another method of initiating competition and providing parental choice in education, which is receiving serious consideration is the voucher plan. There are a number of such proposals which vary greatly in detail. In its simplest terms the proposal would have the State or another public body issue a "voucher" for a year of schooling to each parent. The value of the voucher might be the State's per pupil expenditure on education. The parent could use the voucher at any school which abides by those regulations imposed by the public administering agency. The schools could then redeem their vouchers for cash.

The plan would promote competition because it would make funds available for the financial support of existing private schools and for the establishment of new ones. It would encourage schools to be more responsive to the demands of parents. Schools which receive parental support would survive. Those which were unresponsive or ineffective according to parental judgment would not. If the voucher were equal to the full tuition or cost of education at any school then all parents, the poor included, would have real options in choosing a school which meets their needs.

There are a number of proposed voucher plans which run the gamut in terms of regulation and which make varying attempts at equalizing income differences in achieving parental choice.

The voucher plan proposed by Milton Friedman is considered to be the free market model.[7/] Mr. Friedman proposes a plan under which all parents, irrespective of income, would receive a flat sum voucher grant to be used at the public or private school of their choice. Legislators would determine the amount of the voucher, which may or may not be equal to existing public school per pupil expenditures. Under this type of plan schools would not necessarily be regulated with regard to admissions policies or tuition rates. Parents would be free to apply to the school of their choice. Schools would be free to increase their tuition and expenditures with this additional means of financial support.

Quite a different approach toward insuring parental choice is contained in the voucher plan of Theodore Sizer and Phillip Whitten.[8/] They propose a Poor Children's Bill of Rights which would be weighted in favor of low-income children. They offer several formulae which would provide vouchers on a sliding scale proportionate to family income and number of school age children. The maximum voucher under the Sizer-Whitten plan would be $1,500 and depending on the highest family income to be included they estimate that their plan could cost between $11 and $17 billion a year.

This graduated voucher plan would supposedly help compensate for family income differences and give the poor the power to choose the kind and the quality of the education their children will receive. Regulation of the schools apparently would be built into the plan by Congress requiring equal access to any school receiving educational vouchers. Sizer and Whitten hypothesize that parents will send their children to integrated schools since by their definition schools integrated by race and income are "better" schools.

Still another type of proposal has been outlined by Dr. James S. Coleman.[9/] Dr. Coleman proposes the creation of what he calls "open schools. These are public schools which would be "open" to private firms and concerns which could contract with the school for the teaching of

reading and arithmetic. In high schools the contracts could be for the teaching of other core subjects. Firms would be paid on the basis of student performance as measured on standardized tests. Entrepreneurs would not attempt to replace the school entirely but would compete with the school in a particular subject area.

As in the voucher plans the "open" school approach aims to give parents a choice; they could decide either to send their children outside the school to learn a subject or to leave them wholly within the school. Therefore the survival of the competing private firm's program would be contingent on parental choice and teaching effectiveness.

Schools under this plan would also be "open" in that classes might be scheduled so that students could share some of their courses with children from other schools. Cultural and enrichment activities might be arranged integrating children from various schools. These activities might also be contracted to private organizations outside the school and again the parent or the child could decide whether or not they wished to participate. As the consumer, the parent would be free to choose what types of special projects or programs he wants for his child.

Under the Coleman proposal private contractors would not be allowed to accept a larger percentage of any one racial or income group from one school than the percentage of that group enrolled in that school.

Performance contracting, that is, arranging for the services of a contractor to achieve predetermined results within a given time frame has already been implemented on an experimental or demonstration basis. The U.S. Office of Education, for example, funded a performance contract last year in Texarkana, Texas with Dorsett Educational Systems to improve the math and reading skills of students. In July of this year the Office of Economic Opportunity named six private companies and 18 public school systems to participate in a one-year performance contracting experiment starting this fall.

Several other proposals should be mentioned which would encourage competition and parental choice in education. Christopher Jencks proposes a voucher plan which would weigh vouchers in favor of the poor.10/ Henry M. Levin does not actually propose a voucher plan as such but does call for community-run public schools which would contract with private firms for educational and other programs which reflect the special needs and interests of that community.11/ In other words, according to Levin's plan parents would exercise choice through the election of community school board members who would plan the educational program of the schools in that district and would solicit bids and select proposals most likely to carry out their program.

The rationale common to most of these plans is that they would produce greater diversity in education and give parents more control over the education of their children. The existence of alternatives in education and the necessary responsiveness of schools in a voucher plan to parental demands would supposedly lead to improved education generally.

III. The OEO Study of Education Vouchers

In December of 1969 the Office of Economic Opportunity contracted with the Center for the Study of Public Policy in Cambridge, Massachusetts, whose co-director is Christopher Jencks, for a detailed study of education vouchers. In March 1970 the Center released a preliminary report entitled "Financing Education by Grants to Parents."12/ The Study examines alternative economic plans for education vouchers and also the various problems arising from these proposals. In addition the Study outlines what the contributors consider to be a model voucher plan.

Under their model system an educational voucher agency would be established to administer the plan. Members of the agency could be appointed or elected but in either case should include representation of minority groups. The voucher agency would receive all Federal, State, and local funds for education and would disperse such funds to the individual schools within its jurisdiction only for the purpose of redeeming vouchers. Parents with school age children would be issued vouchers at least equal to the per pupil expenditure of the public schools in the area.

And financial supplements would be given to schools, according to an income scale, for each low-income student they accepted. Thus it would become financially feasible and desirable for a school to accept students from poor families.

Schools would be required to accept an education voucher as full payment for tuition. This would insure that all families, irrespective of income, would have the same degree of choice. This requirement would prevent a situation in which schools might choose to raise their tuitions in excess of the voucher payment, making them prohibitively expensive for the poor. The administering agency would also provide transportation allowances. Parents would therefore be able to exercise the option of sending their children to a school outside their neighborhood.

The model voucher system would provide considerable regulation of participating schools. In order to be eligible to receive vouchers a school would have to admit any student whose parents had listed it as their first choice so long as they had a vacancy. If the schools had more applicants than room, they would be allowed to admit half of their enrollment capacity by any means they desired, provided they did not discriminate against racial minorities. The remaining places would be filled by means of a lottery. Schools would report any vacancies to the voucher agency

which would refer to them any parents whose children had not been admitted to their first choice. The authors of the OEO Study feel that this method of admissions would achieve at least as much integration of students of different races, ability levels, and family income, as existing public school systems.

Another important element of a model voucher system is the procedure for providing parents with the information they need in order to select schools for their children. The Study maintains that the success of a voucher program "depends on parents' intelligently choosing the right school for their child." In order to do so they must, first of all, be informed of all the available alternatives. They must also have comprehensive information about the advantages and disadvantages of these alternatives.

Therefore, it is necessary that the education voucher agency or an agency established for this purpose, collect information about individual schools which will assist parents in judging how well a school fulfills its own objectives and comparing schools. The agency would require data from recipient voucher schools as to how they spend their voucher money. It might also collect information on student achievement. This information could be made available to parents in a number of ways. For example,

parents could be required to obtain vouchers in person at the administering agency where they might also take advantage of the services of "counselors" who could provide and explain the information available on individual schools. The education voucher agency must also provide the machinery to handle complaints of false advertising, unfair treatment, or discrimination. The Study further recommends that the agency establish uniform standards regarding the suspension and expulsion of students. Participating schools would have to abide by these standards.

In addition to the general outline of a model voucher program in their Study for OEO, the Center for the Study of Public Policy proposes a 5 to 8 year experiment with education vouchers. The specifications for this proposed demonstration project are drawn in part from the model outline. The authors recommend that the demonstration be conducted only at the elementary level and within a single municipality. They estimate that if some 12,000 children were eligible for education vouchers the demonstration project might cost between $6 and $8 million to fund. The Center also suggests the components of an evaluation of the demonstration project. These would include: (1) a political and educational history of the experiment; (2) an evaluation of the program's specific objectives; and (3) an assessment of the criticisms of the demonstration voucher plan.

IV. Some Problems Associated with Education Voucher Proposals

A. Segregation

The implementation of education voucher proposals raises a number of questions with regard to the segregation of pupils by race. Tuition payment programs established by some States have been challenged as an illegal device to support racially segregated schools. The OEO Study cites a number of cases in which Federal Courts have held such programs to be unconstitutional. Overt attempts to use vouchers to establish or maintain segregated schools are not likely to avoid close scrutiny by the courts.

The more difficult problem is the inadvertant segregation of students which might result from a voucher program. Critics have been quick to point out the possibility that in an unregulated plan schools might employ any number of practices which would discourage or inhibit low-income parents from enrolling their children. For example, schools might set very strict admissions standards or very liberal expulsion policies which would discourage the parents of low-achieving students from applying. If the amount of the voucher is less than the school district's per pupil expenditure and if private schools are free to increase their tuitions above that amount then segregation by race and income is also likely to result.

Proponents of the voucher idea assert that safeguards could be built into a program which would help to insure that students would not be excluded because of race. In a sampling of school board members in a large midwestern urban country, however, a number of members registering their opposition to the voucher idea felt that the implementation of a voucher plan would lead to increased government influence and control of all schools, public and private, and would accentuate divisiveness, segregation, social isolation and misunderstanding.13/ It is not clear to many observers how a voucher plan could efficiently and effectively regulate all of the policies of participating schools which might result in the segregation of students.

Questions could also be raised about the operation of a voucher program in a community where de facto segregation exists. Would a voucher plan which reinforces local patterns of segregation be legal? Would it really improve the quality of education, since many educators feel that segregation in the schools is damaging to all children?

B. Church-State Conflict

A primary goal of any voucher plan is the freedom for parents to send their children to any school of their choice--public, private, or

parochial. Most of the voucher proposals, however, do not examine in depth the church-state issue which is raised by direct or indirect government support of church-related schools. Does the payment of Federal or State monies to parochial schools in the form of education vouchers constitute an "establishment of religion?"

Proponents of voucher programs contend that such programs do not violate the restrictions of the First Amendment. They argue that the funds involved are allocated to the parents in the form of vouchers and cease to be Federal or State funds but are private funds. They further contend that the assistance to the church-related schools is an incidental by-product of the intent of the program--parental freedom in the education of their children. Citizens for Educational Freedom, for example, while endorsing the principle of separation of church and state, supports government vouchers for education. "CEF maintains that government can subsidize a church-related school child's education in state-prescribed and other academic subjects without violation of the separation principle. The question of the use of tax funds for the education of church-related and other independent school children in state-prescribed and other academic subjects is not a constitutional question; it is a political question."14/

To support their position proponents point to the decision in the so-called New York textbook case Board of Education v. Allen. In June of 1968 the U.S. Supreme Court in a 6-to-3 decision upheld a New York State law requiring local school boards to lend textbooks free of charge to all students in grades 7 through 12, including those in religious schools. Applying the general standard of an earlier case the Court held that the textbook law had "a secular legislative purpose and a primary effect that neither advances nor inhibits religion." Appellants, the Court argued, had failed to show any evidence that the necessary effects of the law were contrary to its stated purpose--the furtherance of the educational opportunities of the young.15/

Opponents of any participation by parochial schools in a voucher program point to a second Supreme Court decision, also in 1968, which they see as another step in the future clarification of the question of separation of church and state in education. In Flast v. Cohen the Court insured individual taxpayers the right to challenge specific Federal spending programs, within certain limitations.16/ This decision is viewed with hope by critics of the textbook decision as the opening of a new door to taxpayer suits challenging existing and future Federal education spending programs. Hitherto taxpayers as individuals lacked standing to sue.

Opponents of public assistance to church-related schools feel that the type of assistance provided under a voucher program is direct aid and is clearly unconstitutional. They regard the so-called "child benefit" principle asserted by proponents of such aid as a subterfuge. Whether children and parents would benefit or not opponents maintain that an immediate and necessary effect of a voucher program is the public subsidizing of private and church-related schools.

A number of organizations have expressed strong opposition to any form of government aid to nonpublic religiously-affiliated schools. The American Jewish Congress, for example, has stated that "this aid violates the constitutional requirement of separation of church and state embodied in the First Amendment to the United States Constitution and most state constitutions."17/

C. Other Problems

An important aspect of a successful voucher program is the level of funding. Most proposals set the minimum amount of an education voucher at a school district's current per pupil expenditure. Even maintaining this level of expenditure might be difficult, however, if a voucher program were to include a substantial number of children formerly enrolled in private schools at private expense. It is also debatable whether taxpayers

would approve the increase in funds which might be necessary to support a sliding scale of voucher payments, giving some children greater payments than others.

There is another criticism of educational vouchers stemming from financial considerations which has been raised. A number of educators feel that the amount of public money which is available for education, and which taxpayers and legislators are willing to spend for that purpose, is limited. Rather than assisting private schools in duplicating the services provided by public schools, these critics propose that all public monies be used in the public schools, absorbing private school pupils if necessary. A recent resolution passed by the National Education Association would ban the "diversion of federal funds, goods or services to nonpublic elementary and secondary schools."18/

The NEA and other professional educational organizations like the American Federation of Teachers feel that a diversion of funds from public schools would weaken or destroy the public school system. They are concerned that the public schools under a voucher plan would become a "dumping ground" for the slow learners, the disadvantaged and the discipline problems. They worry with OEO's director of research, Thomas K. Glennan, Jr. about "what happens to the worst 20 percent." If the private schools could successfully employ subtle methods of discrimination and exclusion then, they believe, the public schools would suffer.

V. The Federal Government and Education Vouchers

A. The Administration

The idea of a Federally-funded educational voucher plan seems to be receiving serious consideration by the Executive branch. The President in his message on education reform stressed the need for research and experimentation in education. He highlighted the need for new methods of organization and finance in education. He also gave considerable attention to the role of the nonpublic school in American education, a role which apparently he might consider strengthening or expanding. "The nonpublic schools," he said "provide a diversity which our educational system would otherwise lack. They also give a spur of competition to the public schools--through which educational innovations come, both systems benefit, and progress results....The non-public schools also give parents the opportunity to send their children to a school of their own choice...They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans."19/ The President also established a Commission on School Finance to study and report to him the future revenue needs and fiscal priorities for public and non-public schools.

That same month the Center for the Study of Public Policy released its preliminary report on the financing of education by payments to parents.

This study is thought by some to be the first step toward a federally funded voucher experiment. The Center recommended a year of planning before commencing such an experiment and it has been reported that "The Office of Economic Opportunity is scouting communities which might serve as test sites for a multi-million-dollar experiment in 'education vouchers' by the Fall of 1971."20/

B. Congress

In the 91st Congress at least one bill has been introduced which would provide limited payments to parents to be used at the public or private school of their choice. In 1969 Representative James J. Delaney introduced H.R. 776, the School Children's Assistance Act. He has introduced a similar bill every Congress since 1962. H.R. 776 would authorize a 2-year program of grants of $25 to be made for each school child to defray the cost of his education. The bill does not provide for the regulation of schools receiving such payments.

The General Subcommittee on Education of the House Education and Labor Committee held hearings on the Needs of Elementary and Secondary Education for the Seventies.21/ H.R. 776 was one of a number of bills being considered by the Subcommittee. Considerable testimony was presented during these hearings from professional education organizations, citizens' groups, Members of Congress, educators and other individuals on the needs of public and private education.

Much of this testimony was critical of public education. Much of it proposed financial support for alternatives to public schools and endorsed the principle of giving parents greater control over their children's education. Some witnesses like Peter Schrag, writer and editor of Change magazine, suggested education vouchers as a means of giving parents more options in meeting the educational needs of their children. He suggested "that the Department of Health, Education and Welfare issue vouchers which can be used in a range of enrichment programs either within the public schools or in other approved educational programs. Such a step would make it relatively certain that funds appropriated for disadvantaged children are in fact used for their benefit."22/

Whether the Congress will act on these proposals, especially in light of strong opposition by some of the major education organizations, remains to be seen. But demands for greater accountability from public educators and public schools, for competition and choice in education, for reform and experimentation, are becoming more frequent and more vehement. And it is not likely that the idea of education vouchers as a means of accomplishing these goals will be dismissed without considerable discussion and debate.

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12/ Center for the Study of Public Policy. Financing education by grants to parents; a preliminary report. Cambridge, Massachusetts, March 1970. 219 p.

13/ Fox, Edward J., and William B. Levenson. In defense of the 'harmful monopoly.' Phi Delta Kappan, v. 51, November 1969: 131-5.

14/ Viewpoint: citizens for educational freedom. Compact, v. 4, February 1970: 43.

15/ U.S. Supreme Court. Board of Education of Central School District No. 1, etc. et al. appellants, v. James E. Allen, jr., as Commissioner of Education of New York, et. al. [Washington 1968] 11 p. (plus 2, 5, 17, 3 pages of concurring and dissenting opinions).

"No. 660--October Term, 1967."

16/ U.S. Supreme Court. Florence Flast et al., appellants v. Wilbur J. Cohen, Secretary of Health, Education, and Welfare, et al. [Washington 1968] 23 p. (plus 8, 2, 2, 18 pages of concurring and dissenting opinions).

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18/ NEA switches position on parochiaid, will seek total ban on federal help. Nation's schools, v. 86, August 1970: 16.

19/ U.S. President, 1969- (Nixon). Educational reform--message. [Washington, U.S. Govt. Print. Off.] 1970. 12 p. (91st Cong., 2d sess., House Document no. 91-267).

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22/ Ibid., part 2: 1027.

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